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Buildin

30 September 2020
20-016-01-AR02

Symal House, 423 Edgware Road

g Surveyors Construction and Property Consultants

Date: Ref:
10 Adamson Road Limited
C/o Mr A. Fassett 10
Adamson Road London
NW3 3HR

Dear Mr Fassett,

BOUNDARY ASSESSMENT 10 ADAMSON ROAD, LONDON NW3 3HR

We are writing further to our inspection of the garden walls and boundaries within the rear garden of 10 Adamson Road on 3rd September 2010 and we are pleased to set out our findings below: -

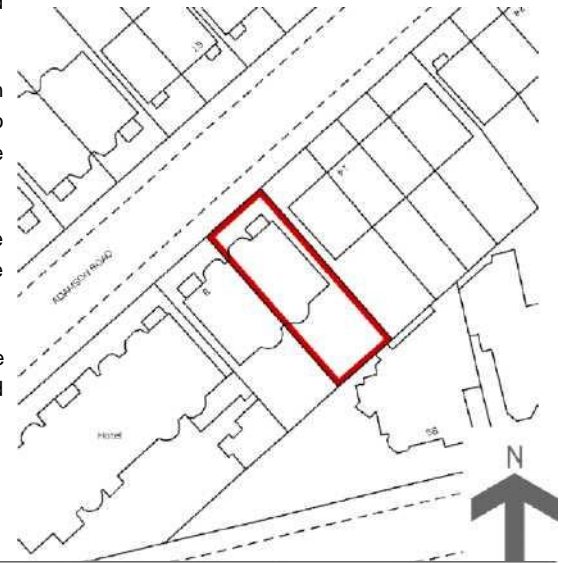
1. Background & Requirement

The property is a five storey, semi-detached Victorian house of conventional construction. The property is likely to have been constructed in or around 1880's and we understand was converted into 6 flats in the 1960's.

The ownership of the garden walls at the boundaries within the rear garden are not clear. Flowing from this it is not clear where the responsibility to repair and maintain the structures lies between the freehold owner of the building and the leasehold owner of the garden flat.

Legal and counsels opinion has been sought on the ownership of the boundary structures in the rear garden. We have received copies of these as listed under Section 4. below.

There is not a dispute at this point and in line with our proposal of 29th June 2020, you require advice on the ownership of the boundary structures and responsibility for repair.



2. Location

The front of the property faces approximately north west. For the purpose of the references and descriptions in this report, the front of the property faces west and Adamson Road runs north to south. The rear elevation faces east.

Building Surveys, Project Management,
Party Walls and Boundary Disputes,
Dilapidations, Fire Precautions,
Defects Analysis, Expert Witness,
Dispute Resolution,
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Terry Northwood BSc. (Hons) FRICS
James Carter BSc. (Hons) MRICS

3. Inspection and access

We undertook the inspection on Thursday 3rd September 2020. The weather was generally dry with intermittent rain showers. Our inspection was visual and undertaken without access into any of the adjoining properties. Our inspection did not involve any detailed measurement at this stage.

4. Information received and obtained

We have received and viewed the information listed below:-

- a) Kenneth Shaw of JPC Law email dated 27th June 2016
- b) Kenneth Shaw of JPC Law email dated 21st November 2016
- c) Counsels opinion, Oliver Radley-Gardner of Falcon Chambers dated 7th November 2016
- d) Elizabeth Fox of Russell-Cooke LLP letter dated 8th May 2019
- e) Flat 1 Lease dated 13th March 1970 (including Plan No.1 only)
- f) Photograph of Flat 1 Lease Plan (referred to as Plan No. 2)
- g) No.2, 4 & 6 Freehold title register and plan reference LN128998
- h) No.8 Freehold title register and plan reference LN162579
- i) No.8, Flat 2 Lease dated 16.10.2015 reference NGL954916 j) No.8, Flat 2 title register and plan reference NGL954916
- k) No.8, Flat 1 Lease dated 16.10.2015 reference NGL954915
- l) No.8, Flat 1 title register and plan reference NGL954915
- m) No. 12 Freehold title register and plan reference LN143678
- n) No.58, flat 1 Leasehold title register and plan reference NGL878119
- o) No.58, flat 2 Leasehold title register and plan reference NGL734528
- p) No.58, flat 2 Lease dated 13th December 1995 reference NGL734528
- q) No.58, flat 3 Leasehold title register and plan reference NGL883510
- r) No.58, flat 3 Lease dated 17th May 2007 reference NGL883510
- s) Ordnance Survey County Map 1873-1882
- t) Ordnance Survey Town Plan 1895
- u) Camden Council Planning records online database

The letter of advice prepared by Elizabeth Fox of Russell-Cooke LLP letter dated 8th May 2019 helpfully summarises the information obtained as of that date, the use of plans in determining boundaries and ownership of boundary features together with the ownership of the walls to the rear of 10 Adamson Road.

We have requested official copies of the original Lease for Flat 2, No. 8 Adamson Road dated 20th November 1987 and registered under NGL606327. Once received we will review and provide a copy to you. We have no information on the original conveyances for the freehold of No.12 or No. 58 Eton Avenue and suggest these are obtained.

5. Assessment

The information we have received does not define the position of the rear boundaries between 10 Adamson Road and the adjoining properties at 8 and 12 Adamson Road and 58 Eton Avenue. General boundaries are shown on the title plans, however, these do not determine the exact line of the boundary. Our site inspection of the physical evidence on site attempts to clarify the position of the boundaries and likely ownership of the features that exist. Alongside this we are reporting on the condition of these boundary features. Taking each boundary in turn, our assessment is as follows:-

a) West Boundary - between 8 and 10 Adamson Road

i. The properties and information generally

8 and 10 Adamson Road are a pair of semi-detached properties built at the same time in or around 1880's. The properties are brick fronted with projecting bay assemblies and entrance porticos. There is painted stucco detailing to the portico's bay's and window surrounds. The roofs are pitched sloping down to eaves gutters. There is a projecting party parapet wall above the level of the roofs. The properties have been converted into flats since their construction and various alterations have been undertaken including works to the main roofs, party parapet wall and chimney stacks.

From the title information we have downloaded from the Land Registry, the freehold of No. 8 Adamson Road is owned by Ordermile Limited. The rear garden forms part of the leasehold title for Flat 2 and is owned by Andrew Thompson.

The information received shows a general boundary between No. 8 and 10 extending between the back of the pavement to Adamson Road and the rear wall with No.58 Eton Avenue. The general boundary is a straight line between these two points, extending along the party wall between the two properties.

ii. Description and construction

There is a brick wall that separates the rear gardens of 8 and 10 Adamson road. The wall has a brick on edge capping and is one brick thick (225mm). The bricks appear to be London Multi-Stocks with dull yellow, red and purple variants. At the rear elevation the wall is positioned approximately mid-way between the projecting curved bay window of each property. From this point, the wall extends approximately 12.8m to the rear wall with 58 Eton Avenue.

The wall has a single set of symmetrical brick piers along its length built into the wall and projecting out on both the No. 8 and No.10 sides. The piers measured approximately 480 x 125mm (width x projection) on each side of the wall.

Ground level on the No.10 side varies and the wall is generally between 1.3 - 1.4m high for the majority of its length. Where it was possible to take dimensions, the ground levels on the No. 8 side were between 70 - 110mm lower than that to No.10. We could not take a dimension between the two rear lightwells adjacent to the rear walls of the main properties, however, at this point the ground level reduces on the No.10 side by approximately 1m. Above the lightwell, part of the original projecting stone balcony to first floor level at No.10 appears to be supported atop the head of the wall. We could not see the arrangement on the No.8 side.

The wall has been pointed at differing times on the No.10 side. There are some areas where newer brickwork appears to have been used, however, these are beneath vegetation and may just be differential weathering. Large areas of the wall are concealed by vegetation growth including Ivy growing on and in some cases through the wall.



Fig. 2 Boundary between 10 and 8 - viewed from No. 10 side facing No.8

iii. Discussion

Most freestanding walls need projecting piers to provide additional strength so their presence here is not a surprise. If the wall was in a single ownership the projecting piers would typically be entirely on the owner's land with the boundary running along the external face of the wall.

The presence of the projecting piers on both sides of the wall point towards this being a shared wall between 8 and 10. Alongside this, the approximate position of the wall relative to the rear projecting bays of the two properties indicates the wall is positioned astride the boundary.

iv. Opinion

Based on our inspection and the available information, we consider that the wall is likely to be a party fence wall positioned astride the boundary between No. 8 and 10 Adamson Road. We have set out the definition of this wall as described under the Party Wall etc. Act 1996 in Section 7.

Our inspection and review has not highlighted anything to reach an alternative outcome to the solicitor's advice and counsel's opinion that the No.10 ownership of the walls is likely to be with the freehold company.

v. Condition

The wall is generally aged and weathered. There are areas of dense ivy growth and there are significant areas of cracking and deterioration in the following locations - note many of these cracks interlink:-

- Adjacent to the rear elevation there are intermittent cracks beneath the projecting balcony extending down to ground level. The cracking intersects further diagonal cracking and at low level in the light well, the brickwork is uneven, loose and bowed out towards No.10.
- Above the garden retaining wall and adjacent to the above-mentioned defects there is ivy growth through the wall. There are several 25mm diameter stems that are growing through the mortar joints with damaged and cracked brickwork adjacent. There are a series of horizontal cracks up to 15mm (Fig 3 & 5) wide, one of which extends up to and through the projecting pier.

The cracking is significant and daylight is visible through some of the wider cracks confirming they extend the full thickness of the wall.



Fig 3. Horizontal open joint adjacent to tree. Note redundant rainwater pipe at low level from balcony outlet.



Fig 4. Vertical crack and displacement to wall approx. 3.5m from the rear boundary.

- Between the projecting pier and approximately 3.5m from the rear boundary horizontal approx. 15mm wide open joint intersects a vertical area of cracking, approx. 15mm wide through bricks and mortar joints. At this point the wall is displaced vertically and the rear section projects in the order of 15-30mm towards No. 8 (Fig 4). Close to this there is a mature shrub on the No.10 side.

- Vertical 1 mm crack adjacent to the mature tree, approx. 4.5m from the rear wall.

• 2m



Fig 5. Horizontal open joint, crack and displacement within 3m of the rear

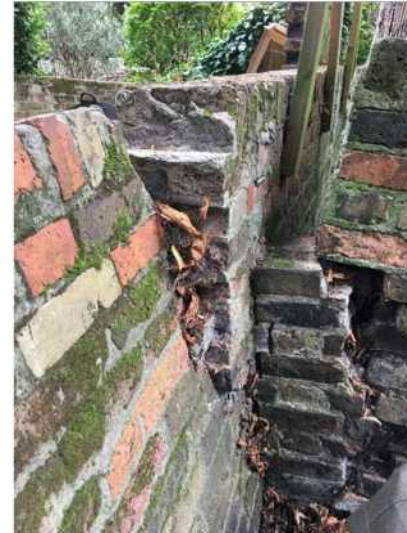


Fig 6. Facing the junction between the 10/8 élévation. Adamson Road wall and the rear wall to 58 Eton Avenue. Rear wall to Eton Avenue to the left.

- At the rear boundary junction with 53 Eton Avenue the wall is not toothed and bonded into the rear wall to the upper half. The rear wall is leaning towards No. 53 (see section described later in this report) and has left the upper part of the wall unsecured at this junction. The lower part of the wall appears to be bonded into the rear wall and has moved out towards the rear. The 8/10 wall at this point is unstable and is leaning towards No.8 (Fig 6).

There is a mature horse chestnut tree on the No.8 side adjacent to this rear corner.

vi. Conclusion and recommendations

The condition of the wall is such that it requires substantial rebuilding in the short term. The cause of the damage varies by location. From our review, the majority of the damage is linked to tree and vegetation grow through and in close proximity to the wall on both the No.8 and 10 sides.

The work will need to be agreed with the neighbouring owners and on the basis of this being a party fence wall, the cost will be defrayed between the owners in accordance with the provisions of the Party Wall etc. Act 1996 - see Section 7 for further information of this.

To limit further damage and establish the condition of the concealed areas, we recommend that the vegetation growth is carefully removed where covering the wall, this will likely reveal further areas of damage. A management plan for the adjacent trees will need to be established and the rebuilt sections of wall designed to accommodate this and likely movement.

b) South Boundary - between 10 Adamson Road and 58 Eton Avenue

i. The properties and information generally

58 Eton Avenue is a red brick property with ornate gables, turrets and other architectural features. The pavement walls to No. 58 Eton Avenue are also ornate with decorative detailing to the projecting piers.



From historic Ordnance Survey Maps we have viewed, 58 Eton Avenue appears to have been built between 1882 and 1895. This is around the time we believe No. 10 Adamson Road was constructed and it is unclear which property was constructed first.

From the title information available from the Land Registry, we could not find a freehold title register or reference for No. 58 Eton Avenue. From obtaining leases for flats 2 and 3, the leases are between The Kings College of Our Lady of Eton Beside Windsor 'Otherwise called Eton College'(1), 58 Eton Avenue Limited (2), The Second 58 Eton Avenue Limited (3) and the individual Lessee's (4). The Leases state that 'Eton College is entitled to the freehold interest in the land and premises known as 58 Eton Avenue'.

58 Eton Avenue has been converted into flats and various external alterations have been undertaken.

The information received shows a general boundary between No. 10 Adamson Road and No. 58 Eton Avenue extending across the rear of 10 Adamson Road. This is shown as a straight line from the general boundary between 8 and 10 and that between 10 and 12.

For the adjacent Adamson Road properties, the general boundary along the rear is shown as a continuation of that behind No. 10 and extends with little deviation between Eton Avenue and Crossfield Road.

The Lease plans to flats 2 and 3, 58 Eton Avenue show two structures built up to the wall on the No. 58 side. Each structure on the plan is shown as having its own independent flank wall on the land of No. 58 next to the garden wall between the Adamson Road properties and No. 58.

Further along the boundary between No.58 Eton Avenue and the Adamson Road properties, we have reviewed planning drawings for works close to the rear boundary between 2-6 (Best Western Swiss Cottage Hotel) and 58 Eton Avenue. The hotel has a structure built up to the wall on the 2-6 side and annotations on the drawings label the same wall as being a 'Garden Wall' and a 'Party Garden Wall'.

ii. Description and construction

There is a brick wall that separates the rear garden of 10 Adamson road from No. 58 Eton Avenue. The wall between the two properties is one brick thick (225mm) with a brick on edge capping. The brickwork appears to be London Multi-Stock with a combination of dull yellow, red and purple bricks. There appear to be more red bricks than the garden walls between 10 and the other Adamson Road properties.

On the No. 58 side there is an access way leading to/from the rear of that property. The access way is finished in a combination of materials including a concrete hardstanding and concrete paving slabs. There are inspection chamber covers to the hardstanding indicating a below ground drainage run beneath the surface.

The section of wall close to the boundary with No.12 Adamson Road has been rendered on the No.58 side and partly to the head of the wall. There are metal fixings to the head of the wall adjacent to this location. The section close to the boundary with No.8 has less staining and may have been cleaned or repaired more recently.

The wall has a single set of symmetrical brick piers built into the wall and projecting out on both the Adamson Road and Eton Avenue sides. The piers measured approximately 470 x 120mm (width x projection) on each side of the wall. The piers appear to be constructed from the same bricks as the rest of the wall and are toothed and bonded into the wall.

There are timber posts fixed to the No.10 face of the wall. The top of the posts have been cut broadly level with the top of the wall. Beyond the boundary between No. 10 Adamson Road and No. 58, we noted a projecting pier in the garden of No. 8 Adamson Road. The Eton Avenue side was not visible to confirm whether a similar projection exists on that side.

We also noted that behind the garden wall between No.8 Adamson Road and No. 58 Eton Avenue, there is a small brick structure and single skin of brickwork built on the No.58 Eton Avenue side, up to the garden wall.

The structure noted on the Leaseplan to Flats 2 and 3 between No.58 and No. 10 does not exist any longer, the only evidence we could see on site is a patch of relatively clean bricks on the external wall to No.58 which were likely protected from the elements whilst the structure was in place.

The other structure between No. 58 and 12/14 Adamson Road is remote from No. 10 and wasn't clearly visible, however, we could confirm that it does still exist.

iii. Discussion

For the reasons set out under the previous section, the presence of the projecting piers on both sides of the wall is a good indication of this being a shared wall between 10 Adamson Road and 58 Eton Avenue.

Further along the boundary, we noted the projecting pier on the No. 8 side of the wall but couldn't verify whether this also exists on

the No. 58 side.

Where there are or were structures built on the No. 58 side with independent flank walls built up to the wall between the Adamson Road properties and 58, this may be relevant. Owners can have the right to use the full thickness of shared walls and so the structures could have been built enclosing upon the wall or by strengthening or rebuilding the wall in the same location to suit the new structures and requirements. This can gain additional space and the rebuilt or altered wall can be subsequently used by both of the owners.

The placement of structures with walls being built up to the garden wall rather than making use of the wall does not necessarily mean that the boundary runs between the two walls. There may be several reasons for this arrangement, for example (these are by no means exhaustive), uncertainty over ownership of the wall and minimising disturbance to the structure that existed first by building the new structure independently. The structures positioned up to the walls would have their own foundations and building them independently avoids reliance upon those beneath the garden wall which would be unsuitable for any substantial additional loads e.g. roofs and floors without improvements. Improvements to existing structures often involve compromise and can take longer and be more expensive than building an independent structure to the required specification.

These reasons would likely also apply for the more remote arrangement to the rear boundary between 2-6 (hotel) and 58 Eton Avenue where a more recent structure to the hotel is built up to the wall on the 2-6 side of the wall between 58 Eton Avenue.

iv. Opinion

Based on our inspection and the available information and the foregoing, we consider that the wall is likely to be a party fence wall positioned astride the boundary between No. 10 Adamson Road and No. 58 Eton Avenue.

We have not reached an alternative outcome to the solicitor's advice and counsel's opinion that the No. 10 ownership of the walls is likely to be with the freehold company.

v. Condition

The wall is in extremely poor condition for its entire length across the rear of No.10 Adamson Road. We noted the following:-

- Significant leaning of the wall towards No.58. It is difficult to get a precise measurement from the No.10 side, however, in places the wall is generally leaning between 260 - 390mm from vertical. The wall is unstable and the worst affected areas are:-
 - Adjacent to the existing tree. It appears that as the tree has matured it has grown against the wall 'pushing' it outwards. This will have been a gradual process and the wall having been built with a lime based mortar has accommodated the pressure from the tree over many years and has become distorted (Fig 7).
 -

Adjacent to a tree stump to the east of the remaining tree. In addition to the leaning of the wall there is a horizontal fracture to the base of the brickwork above ground level. It appears a tree has been removed which can have an influence on the sub soils and the wall above including heave which will cause movement of the foundations and the wall above (Fig 8).



Fig 7. Wall between No.10 and 58. Facing No. 12 with No. 58 to the right. Mature tree within the garden of No. 10 and wall leaning significantly towards No.58

Fig 8. Wall between No.10 and 58. Facing No. 12 with No. 58 to the right. Photo taken beyond the mature tree within the garden of No. 10. Wall curved and leaning significantly towards No.58

- Vertical 2mm crack adjacent to the projecting pier for the full height of the wall.
- Intermittent horizontal crack and fracture to the base of the wall - this is partly concealed by raised ground levels and the adjacent tree and plant growth
- Fracture and displacement of the wall to both junctions with the perpendicular garden walls to No's 8 and 12.
- There is pointing of varying ages to both sides of the wall. The brick on edge capping appears to have been re-pointed more recently in a hard cementitious mix. Where pointing has blown we noted a soft lime mortar beneath.

In addition to the leaning, there is a large blown area of brickwork and damage to the east, adjacent to the boundary with No.12 Adamson Road. In part of this area the wall has been rendered on the No.58 side. There are holes in the wall to this location and the bricks are loose (Fig 9).



Fig 9. Wall between No. 10 and 58, viewed from the No. 58 side facing the junction with No. 12. Blown brickwork and rendered section of wall beyond.



Fig 10. Wall between No. 10 and 58, viewed facing No. 8 with No. 58 to the left. Leaning and curved wall adjacent to the mature tree.

vi. Conclusion and recommendations

The main cause of the damage appears to be from mature trees within the garden of No.10. One is growing against the wall and one has been removed from its position very close to the wall in recent years.

Freestanding walls often have shallow foundations. The growth of tree roots and subsidence in clay soils from the living tree and also heave of clay soils after the removal of the mature tree will likely have caused movement of foundations and some of the distortion to the brickwork above.

There are mature trees adjacent to the rear wall in the gardens of No's 8 and 12 Adamson Road. From what we could see, these trees are not in contact with the rear wall, however, given their size and proximity to the wall they may be contributing in part to the poor condition adjacent to each of the respective boundaries and root growth below ground.

Once a wall starts to lean, the condition of the wall and its lean can get progressively worse through differential weathering and frost damage to the more exposed parts.

We understand the tree within the garden of No.10 has a tree preservation order (TPO) and therefore cannot simply be removed, requiring consent from the local authority.

If agreement for removal cannot be agreed, a management plan will need to be established and when the wall is rebuilt, the wall must be designed to accommodate the tree and its likely influence on the subsoils. This may include installing lintels or similar to span across areas where the wall is in close proximity to the tree or the foundations conflict with roots. The work will need to be agreed with the neighbouring owners and on the basis of this being a party fence wall, the cost will be defrayed between

the owners in accordance with the provisions of the Party Wall etc. Act 1996 (see Section 7 for further information of this).

The wall is in a dangerous condition and requires taking down and rebuilding. We suggest that as an interim measure it is agreed with the neighbours to take down the wall and remove the risk whilst discussions regarding rebuilding are progressed. A temporary fence or other structure can be swiftly installed to provide security between the two properties. Given the lime-based mortar that has been used to bond the bricks, it is likely that a large proportion of the bricks can be retained and reused so we recommend that these are carefully set aside and not disposed of.

c) East Boundary - between 10 and 12 Adamson Road

i. The properties and information generally

No. 12 Adamson Road is detached from No. 10 and is an end of terrace to 12-18 Adamson Road. No. 12 Adamson Road is a brick fronted property with red brick projecting bay window and red brick decorative surrounds to window and door openings.

No.12 also has five storeys, however, generally occupies a more elevated position than No.10 with the level of each floor being higher than those to No.10. As a result No.12 has more steps up to the front entrance door at upper ground floor level and a sloping footpath down to the lower ground floor level. No.10 has several steps down to the lower ground floor level which is below that of No.12.

Between the two side access paths there is a rendered side screen which extends parallel to the front walls of the properties. The screen is more prominent on the No. 10 side and each property has an access gate to the respective side paths beyond.

From the historic Ordnance Survey Maps we have viewed, No.12 Adamson Road appears on the maps at the same time as No. 10 and so they are likely to have been constructed at a similar time being in or around the 1880s.

From the title information available from the Land Registry, No.12 is in the freehold ownership of Madhvi Chanrai. The property is currently a single dwelling house.

The information received shows a general boundary between Nos. 10 and 12 Adamson Road extending between the back of the Adamson Road pavement and the rear wall with No.58 Eton Avenue. The general boundary is a straight line between these two points.

ii. Description and construction

Between the gardens of 10 and 12 Adamson road there are three main arrangements:-

• Rear section - between rear gardens

There is a one brick thick (225mm) wall with a brick on edge capping that extends from the projecting pier to the lower ground floor access to No.10 out approximately 12m to the wall with 58 Eton Avenue to the rear.

The wall is generally 1.4m above ground level on the No.10 side and there is a sloping section between the garden level and the central section of wall between the side access paths. On the No. 12 side, the wall is approximately 1m above ground level and so the wall is partly retaining the higher garden on the No. 10 side. At the rear boundary we could not take measurements, however, ground level on the No.12 side was noted to be higher than that on the No. 10 side.

On the No.12 side, there are timber posts and a timber trellis extending above the wall. The posts are positioned close to the base of the wall but on the No.12 side. The trellis moves centrally to the head of the wall close to the projecting pier to the lower ground floor access to No.10 and continues

in this position on the central section. We understand the fence was installed by the owners of No.12.

There are two sets of symmetrical brick piers along its length built into the wall and projecting out on both the No. 8 and No.10 sides. The pier towards the rear measured approximately 470 x 125mm (width x projection) on each side of the wall. The pier towards the front was measured on the No.10 side as being of similar dimensions, however, the front projection is less as there is the thickness of render beyond. The pier on the No. 12 side was only visible from the pavement and was rendered and appeared to be of similar dimensions.

Central section - between the side access paths to both properties

There is a rendered wall which is approximately 260mm wide and this extends approximately 14m between the pier with the rear garden and a rendered screen extending perpendicular to the boundary. We do not know the construction of the wall beneath the render.



Fig. 11 Wall between 10 and 12 - viewed from the pavement on the No.12 side facing No. 58 towards the rear with 10 to the right.



Fig.12 Wall between 10 and 12 - viewed from above the wall facing No.58 towards the rear with No. 12 to the left and No. 10 to the right.

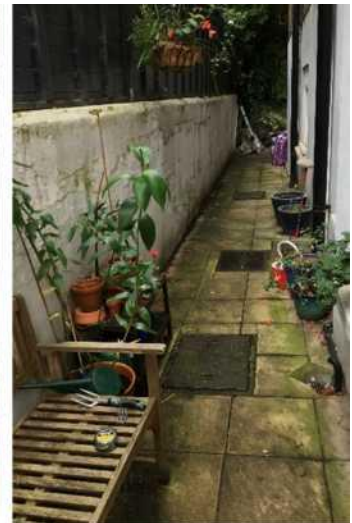


Fig. 13 Wall between 10 and 12 - viewed from the No. 10 side facing 58 towards the rear.

The ground level on each side varies significantly with the wall retaining the land of No.12. We could not get any measurements on the No. 12 side except for adjacent to the front where ground level was approximately 1.2m lower on the No.10 side than that on the No.12 side. The wall is therefore a retaining wall holding back the higher ground at No.12 The ground level to the No.10 side varies sloping down towards the rear.

The wall has timber posts atop with a panelled fence and trellis between. The posts have metal clips fixing them into the head of the wall and are positioned approximately centrally atop the head of the wall. We also understand this fence was installed by the owners of No.12.

There are no drainage holes to relieve water pressure behind the wall.

- **Front section - between the front gardens of 10 and 12**

Between the screen that extends perpendicular to the boundary and the front pavement wall there is a rendered wall which has a concrete coping stone atop. The length of this section is approximately 5.5m.

The ground level on each side varies. This wall is similarly retaining the land on the No.12 side close to the perpendicular screen. Further towards the front there are steps on the No.10 side extending up towards the entrance path and so the ground levels rise. At the top landing, ground levels on both sides are relatively similar.

There is a projecting pier where the boundary wall meets the front pavement. The pier is rendered and has a stone capping. The pier is slightly off centre being approximately 20mm closer to No. 10 than No.12.

Adjacent to the perpendicular screen, the centre of the coping to the wall broadly aligns with the end of the decorative band detail to the screen on the No. 10 side. The railings forming part of the gate assembly to No.12 extend beyond the centre line as do some electrical and data cables.

This section of wall does not have any drainage holes to relieve water pressure behind the wall.

- iii. **Discussion**

For the reasons outlined in the previous two sections, the two symmetrical projecting piers on both sides of the wall are a good indication of the wall being a shared wall between 10 and 12 Adamson Road.

The position of the front section of wall relative to the decorative band detail to the perpendicular screen between the properties indicates the wall is positioned astride the boundary. The electrical cable and part of the railings to No.12 extend across the top of the screen but these have less permanence than the screen and decorative detail.

The position of the timber posts and fence, may provide some alternative views to the position of the boundary. Typically fences

would be installed with the fair face of the boarding in line on the outside face of the owners boundary.

The fence posts and panels are approximately midway to the head of the wall, although, they are no longer vertical and curve on plan. The fence has the same design both sides so there is no 'fair' face. If the boundary is taken as being at any point through the fence line then the boundary would extend through the wall and it would be a party fence wall. As the fence has been more recently formed, we do not consider this to be a definitive marker of the likely boundary position.

The approx. 20mm difference in position of the projecting pavement pier is not significant. This difference may have arisen from different build-ups of render behind the paint. There is arguably more significance in this pier projecting onto both properties beyond the external face of the wall as if wholly in a single ownership the pier would typically be entirely on the land of one owner.

iv. Opinion

Based on our inspection and the information available, we consider that the wall is likely to be a party fence wall for its entire length and positioned astride the boundary between No. 10 and 12 Adamson Road.

We have not reached an alternative outcome to the solicitor's advice and counsel's opinion that the No. 10 ownership of the walls is likely to be with the freehold company.

v. Condition

The condition of the wall varies across the three main arrangements as follows:-

- **Rear section - between rear gardens**

The part of the wall close to the rear wall with No.58 is largely concealed by the garden shed and a build up of leaves etc. behind. Where visible, the condition is very poor with uneven brickwork and the wall appears to have sheared at low level (Fig 14 and 15).

There is a large tree on the No. 12 side of the wall immediately adjacent to this location and the ground level is raised



Fig 14. Rear boundary between 10 and 12 - viewed from Fig 15. Rear boundary between 10 and No.12 side facing No.58 with No.10 to the right. No. 12 with No. 58 to the right.

The wall between the shed and the central pier is leaning towards No.10. The extent of the lean from vertical is not significant enough to make the wall unstable.

The section between the central and front pier is largely concealed by established vegetation growth. Some of this growth appears to be coming over the wall from the No.12 side and some is clearly rooted on the No.10 side. There are some cracks and given the size of some of the Ivy stems, it is likely that repairs will be needed to the section of wall beneath the Ivy growth. The vegetation will need to be removed to allow for a thorough inspection.

There are two relatively large mature trees growing on the No.10 side close to the boundary. Each have parts in contact with the brickwork.

- **Central section - between the side access paths to both properties**

The wall including the pier to the rear of this section generally leans towards No. 10 and its condition is worse towards the rear. In some places between the top and base of the wall it leans in the order of 35mm towards the front and 140-170mm towards the rear (see fig 16 and 17).

As a general guide (British Research Establishment) the wall should be rebuilt if it leans by more than 70mm for walls of this thickness. The lean to the wall is twice this in areas.

The render is extensively cracked with some cracks up to 3mm in width. There are two predominant horizontal cracks with a vertical crack between. Towards the front the crack appears to be in the position of the ground level on the No. 12 side. This will need to be confirmed with measurement following access. At the rear the horizontal crack is lower and extends diagonally down to ground level. There is a vertical offset to the render in this area by approximately 6mm, this may reflect distortion of the structure behind.

In some areas around the cracking the render is hollow on key and has deboned from the structure behind.



Fig 16. Central section of boundary between 10 and 12 - viewed from No. 10 side facing the front and 12 - viewed from No. 10 side facing the rear with No. 12 to the right. Fig 17. Central section of boundary between 10 and 12 - viewed from No. 10 side facing the rear with No. 12 to the left.

We do not know the thickness of the wall below ground on the No. 12 side. Retaining walls often have thicker bases below ground and so this wall may thicken beneath the ground of No.12 (the wall would still be a party fence wall being astride the boundary). For freestanding walls, the difference in ground level either side of the wall should be no more than twice the wall thickness. On the basis the wall is 260mm wide (including render) the difference in ground level should be no more than 520mm. The difference in ground levels is well in excess of this being 1.2m.

- **Front section - between the front gardens of 10 and 12**

The short section to the front is generally in better condition, there are fine cracks to the render generally less than 1mm in width. The wall bows centrally on plan towards No.10 and the fine cracking is indicative of sulphate expansion. The crack adjacent to the perpendicular screen should be monitored.

vi. Conclusion and recommendations

The condition of the walls varies and we have differing conclusions and recommendations for each section as follows:-

- 1) **Rear section** - The extent of the damage to the rear of the wall at the junction with No. 58 and behind the shed should be established. Part of the wall will need to be rebuilt and if possible the shed should be relocated to allow for inspection and works to the wall behind.

Once the wall can be fully inspected the causes of the damage should become clear. At this stage we know that this section of wall is very close to the mature tree in the garden of No. 12 and raised ground levels on the No.12 side and it is likely that the tree is causing the damage.

The wall is largely concealed towards the No.10 side access path by vegetation growth. Firstly we recommend that the growth is carefully removed to both limit further damage and establish the condition of the concealed areas. This will likely uncover further areas of damage to the wall requiring repair.

As with the other trees and large shrubs, a management plan should be established for those adjacent to this wall and the rebuilt sections of wall designed to accommodate the decisions made therein and likely further movement where trees and shrubs are kept.

- 2) **Central section** - this wall is retaining a substantial amount of land at No. 12 beyond. There are no intermediate piers to provide lateral support nor any provision of drainage to the retained ground behind the wall. It is likely

that a combination of water pressure and the loads of the retained land (which will increase when wet because of the lack of drainage) have overcome the retaining wall causing it to deflect towards No.10.

The cracking to the render may be where there is associated cracking to the wall behind. The render will further prevent drying of the masonry beyond and so will be prone to dampness and failure as can be seen with the debonding.

Based on our understanding of the walls construction and the extent of the lean, it is likely that large lengths will need to be taken down and rebuilt. This will need an engineer's design together with agreement with the adjoining owners.

Before embarking on this, we recommend that the wall's construction is investigated. This can be undertaken by removing some of the de-bonded render on the No.10 face together with careful progressive drilling to establish the materials and also thickness below ground. If this reveals a different construction, then subject to an engineers review an alternative scope of works may be possible.

3) **Front section - between the front gardens of 10 and 12**

This is also a retaining wall and is lacking provision for drainage of the retained land behind. This section of wall is generally in better condition, this is likely to be because this is not retaining as much as the central section, the wall is a shorter length and the steps rising up on the No. 10 side will provide some lateral restraint and the wall.

The cracks should be made good to prevent further deterioration for now and the wall including the crack adjacent to the perpendicular screen monitored. Ideally drainage should also be installed to this wall to allow for drainage and reduce the forces on the wall. We suggest that at the time the central wall is being investigated similar investigations are undertaken to this wall to establish its construction and a decision made on the necessary works based on this.

On the basis that the wall is a party fence wall, the work (beyond local investigations and removal of vegetation) will need to be agreed with the neighbouring owners. The cost of works to repair the wall will be defrayed between the owners in accordance with the provisions of the Party Wall etc. Act 1996 (see Section 7 for further information).

6. Boundary Agreements

Due to the title documents being unclear and the need for works of repair to be undertaken to each of the boundary features, with differing degrees of urgency, we suggest that each of the neighbours are approached by the freehold company to see whether they would consider forming a boundary agreement to document the walls being party fence walls and making the application to the Land Registry to be noted on the register for each property.

As part of this neighbouring owners may come forward with additional documentary evidence or alternative views on the position of the boundary and ownership particularly where there are costs involved with the works to the walls. If additional information becomes available then we would need to review and advise whether it has any impact on our assessment and opinion.

7. Other matters

i. **Definition Party Fence Wall under the Party Wall etc. Act 1996**

The Party Wall etc. Act 1996 defines a Party Fence Wall as follows:-

"...means a wall (not being part of a building) which stands on lands of different owners and is used or constructed to be used for separating such adjoining lands, but does not include a wall constructed on the land of one owner the artificially formed support of which projects onto the land of another owner. "

In summary, this is a freestanding wall that stands astride the boundary of two lands. The reference to artificially formed support is in relation to foundations on which the wall rests. This can project below ground onto the land of the 'adjoining owner' as necessary for the construction of the wall.

ii. Party Wall etc. Act 1996 and apportionment of cost

The Party Wall etc. Act 1996 provides for the costs of taking down and rebuilding party fence walls to be defrayed in such proportion as has regard to:-

- The use which the owners respectively make or may make of the structure or wall concerned; and,
- Responsibility for the defect or want of repair concerned, if more than one owner make use of the structure or wall concerned.

For the various walls there are differing responsibilities for the defects, for example where the trees and other vegetation (mainly Ivy) is growing.

If matters cannot be agreed between the owners then party wall surveyors will settle the matters in dispute. If the surveyors cannot agree then there is provision to refer matters to a third surveyor.

iii. Garden retaining walls

Between the garden and the lightwell at the base of the rear wall there are masonry retaining walls. There is a retaining wall of similar design to the front garden between the raised ground adjacent to the pavement wall and the lightwell adjacent to the front elevation of the property. The wall to the front is largely concealed by vegetation growth. The walls appear to be of random rubble construction and those to the rear have failed. These will need to be substantially rebuilt. They should incorporate drainage provisions for the built up ground behind. We suggest the vegetation growth to the front is cut back to prevent further damage and also allow for identification and repair of any defects to the wall.

iv. Front party fence wall with No.8

The front wall between 8 and 10 is of brick construction with a sectional stone coping stone atop.

There are some areas that require repair including re-bedding loose copings, removing vegetation growth and repointing an area of heavily recessed pointing. There is ivy growth coming over the wall from the No. 8 side, we suggest the neighbouring owners are asked to cut this back.

v. Front rainwater pipe - to the front lightwell

To the right of the main entrance (viewed facing the front door) there is a downpipe taking rainwater from the main roof which is disconnected and spilling water onto the external wall. This should be reconnected and checked to ensure free flowing as soon as possible.

8. Qualifications to the survey and report

This report shall be for the private and confidential use of the client to whom it is addressed and should not be reproduced in whole or in part, or relied upon by third parties for any use, without the express written authority of this Practice.

No liability for any claim or loss shall be accepted arising out of any claim first brought in a court of the United States of America or Canada or courts in their jurisdiction.

The inspection and report do not include an investigation for, or assessment of, the consequences, likelihood or otherwise of pollution, contamination or invasive species to the property however caused. Independent specialist advice must be obtained.

I trust the foregoing provides the information you need and I shall be happy to answer any questions you may have. Yours

sincerely,

